

REMARKS

Claims 1-34 were pending in this application (claims 11-27 and 30-34 are withdrawn from consideration as being directed to a non-elected group). By way of this amendment and reply to the Office Action mailed October 23, 2002, claims 1, 3, 5, 7, 9, 28 and 29 have been amended, and new claims 35-38 have been added. Therefore, claims 1-10, 28, 29 and 35-38 are presently pending for further consideration.

The specification has been amended to correct minor grammatical errors. No new matter has been added.

In the Office Action, claims 2 and 4 were rejected under 35 U.S.C. § 112, second paragraph, for the reasons set forth on page 2 of the Office Action. By way of this amendment and reply, claims 2 and 4 have been amended in accordance with the helpful comments made in the Office Action.

In the Office Action, claims 1-10, 28 and 29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,883,621 to Iwamura. This rejection, to the extent that it may be applied to the presently pending claims, is traversed for at least the reasons given below.

In Iwamura, a user command needs to be output by a user in order for a topology map to be created and stored. See column 7, line 66 to column 8, line 3. With this information, the user can select a device to perform a function, such as to record a program. This is done by a drag-and-drop of an icon onto another icon, as explained in column 8, lines 11-42 and Figure 10 of Iwamura. Iwamura also describes a pop up menu embodiment, which requires user input. See column 8, lines 43-56 and Figure 11 of Iwamura.

The Office Action asserts that "Iwamura inherently discloses each of the plural types of video apparatuses inquiring about other video apparatuses to the network management apparatus because all the video apparatuses are connected to the network management apparatus." This assertion is incorrect. While it is noted that "each node receives a self identification packet from all the nodes in the network 10", as described in column 5, lines 25-26, it further

describes that CPU 312 in DSS IRD 100 receives these packets from LINK 222 and stores portions of the information [obtained from] them in a self identification packet table in external RAM 304." Column 8, lines 27-29 of Iwamura. In that regard, each apparatus in Iwamura's system does not store information as to the entire connectivity of the network of which the apparatus is a part thereof, but rather only DSS IRD 100 performs this function. Note that it is the DSS IRD, 100, after obtaining self-identification packets from all devices on the network, which "sends commands to all the nodes and inquires as to their respective device types." Column 5 lines 47-48 of Iwamura. Based on this information, the DSS IRD 100 prepares a topology map, such as the one seen in Figure 10, to allow a user to make selections from that map. The self-identification packet information, as used to create the table shown in Figure 5, does not include information as to a current state of each device on the network. The state information according to claims 5, 7, 9, 28 and 29 includes information as to whether or not a particular node is "operating normally and currently available", or "operating normally and currently unavailable", or "operating abnormally". As is clear from the information provided in the table in Figure 5, such "state information" is not included in the self identification packets sent between the nodes in Iwamura's system; rather, such information appears only to be sent from the nodes to the DSS IRD 100 after the topology map has been created by the DSS IRD 100. See columns 5 and 6 of Iwamura, for example.

Also, unlike the present invention, DVD 900 as shown in Figure 10 of Iwamura does not determine "a video apparatus to be a communication partner on the basis of states of the other video apparatuses", since Iwamura's DVD 900 only appears to store very basic information obtained from self-identification packets from other devices (e.g., from MD 902, DVCR1 903, and from DVCR2 904) on the network. As such, Iwamura's system requires a user to physically do something, such as a drag-and-drop action or a pull-down action (see column 8 of Iwamura), to set up a communication partner between devices of the network. Claim 1 and claim 3 have each been amended to more clearly distinguish this feature over the teachings of Iwamura.

Please also note that independent claims 5, 7, 9, 28 and 29 have each been amended to better distinguish over the teachings of Iwamura, by reciting that the "states of the video apparatuses" include one of "operating normally and currently available", "operating normally and currently unavailable", and "operating abnormally".

Furthermore, please note that the managing component recited in claim 28 manages states of the broadcasting storing components, whereby Iwamura's DSS IRD 100 only obtains information as to states of devices on the network so as to supply that information in a graphically acceptable manner to a user, who then makes decisions as to which devices and store received program content at which points in time.

Therefore, presently pending claims 1-10, 28 and 29 are believed to be patentable over the cited art of record.

Also, new claims 35-38 have been added to recite additional features of the present invention that are believed to patentably distinguish over the cited art of record. For example, new claims 35 and 37 recite that the communication partner is automatically selected by one of the video apparatuses based on information as to currently available resources for each of the other video apparatuses. No such automatic selection is performed in Iwamura, but rather a user must perform an affirmative action (e.g., drag-and-drop operation) in order to select components for a desired activity. Also, new claims 36 and 38 recite that the currently available resources for the other video apparatuses do not include resources that are currently assigned to any of the video apparatuses.

Therefore, for the reasons given above, the application is believed to be in condition for allowance, and an early indication of allowance is earnestly solicited.

If there are any remaining issues that need to be addressed, the Examiner is encouraged to contact the undersigned at the local telephone number listed below, to try to resolve those issues.

Respectfully submitted,

December 27, 2002
Date

Phillip J. Articola
Phillip J. Articola
Registration No. 38,819

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
Telephone: (202) 672-5407
Facsimile: (202) 672-5399

VERSION WITH MARKINGS TO SHOW CHANGES MADE**MARKED-UP SPECIFICATION:**

The paragraph on page 14, lines 14-25:

One way is as follows: When each of broadcast storing apparatuses 3 and 4 is newly connected to network 8 or when it stores a new broadcast program, the information on broadcast programs stored in each of apparatuses 3 and 4 is sent through network 8 to network management apparatus 7[.]and stored in apparatus 7. Broadcast display apparatus 5 makes a request for a list of the stored broadcast programs or for searching the information on the stored broadcast programs to network management apparatus 7 as occasion demands so as to [known] know which one of broadcast storing apparatuses 3 and 4 stores a desired program.

The paragraph bridging pages 16 and 17 (page 16, line 25 to page 17, line 6:

The selection of the broadcast storing apparatus was explained in the above. Likewise, the selection of broadcast reception apparatus 1 [ir] or 2 and the selection of broadcast displaying apparatus 5 or 6 can be performed in accordance with the states of apparatuses which are held in network management apparatus 7 connected to network 8.

The paragraph on page 24, lines 2-14:

The component lock notification comprises a lock start time expressed by a year, a month, a day, an hour, a minute, and a second, and a lock end time expressed by a year, a month, a day, an hour, a minute and a second. A component sending the component lock notification notifies a destination that the component cannot accept a recording reservation from a lock start time to a lock end time. The component lock notification is a response to the component lock notification and has a response constant. A broadcast storing apparatus

can [nitify] notify that it has no more recording capacity by transmitting the component lock [nitification] notification with an unlock time having a value of infinite.

MARKED-UP CLAIMS:

1. (Amended) A broadcast storing and displaying apparatus which comprises:

a network;

a network management apparatus for managing said network; and
plural types of video apparatuses connected to said network,

wherein each of said plural types of video apparatuses transmits the state thereof to said network, said network management apparatus stores the states of said plural types of video apparatuses, and each of said plural types of video apparatuses inquires about the states of the other video apparatuses to said network management apparatus and then determines, based solely on information received regarding the states of the other video apparatuses and without any user input, a video apparatus to be a communication partner on the basis of the states of the other video apparatuses which are obtained from said network management apparatus.

2. (Amended) The broadcasting storing and [reproducing] display apparatus as claimed in claim 1, wherein there are provided a plurality of video apparatuses of the same type which are connected to said network.

3. (Amended) A broadcast storing and displaying apparatus which comprises:

a network; and

plural types of video apparatuses connected to said network,

wherein each of said plural types of video apparatuses inquires about the states of the other video apparatuses through said network to the other video apparatuses and then determines, based solely on information received regarding the states of the other video apparatuses and without any user input, a video apparatus to be a communication partner on the basis of the states of the other video apparatuses which are obtained from the other video apparatuses.

4. (Amended) The broadcasting storing and [reproducing] display apparatus as claimed in claim 3, wherein there are provided a plurality of video apparatuses of the same type which are connected to said network.

5. (Amended) A network management apparatus connected to a network to which plural types of video apparatuses are connected, which comprises:

means for storing state of each of the video apparatuses when the video apparatus transmits the state thereof to said network[,]; and

means for transmitting the states of the video apparatuses when each of the video apparatuses inquires about the states of the video apparatuses,

wherein the states include: a) normally operating and currently available state, b) normally operating and currently unavailable state, and c) abnormally operating state.

7. (Amended) A video apparatus connected to a network to which a network management apparatus for managing the network and plural types of video apparatuses are connected, which comprises:

means for transmitting the state thereof to said network[,]; and[;]

means for inquiring about the states of other video apparatuses to said network management apparatus and then determining a video apparatus to be a communication partner on the basis of the states of said other video apparatuses which are obtained from said network management apparatus,

wherein the states include: a) normally operating and currently available state, b) normally operating and currently unavailable state, and c) abnormally operating state.

9. (Amended) A video apparatus connected to a network to which plural types of video apparatuses are connected, which comprises:

means for transmitting the state thereof to said network[,]; and

means for inquiring about the states of other video apparatuses to said other video apparatuses and then determining a video apparatus to be a communication partner on the basis of the states of said other video apparatuses which are obtained from said other video apparatuses,

wherein the states include: a) normally operating and currently available state, b) normally operating and currently unavailable state, and c) abnormally operating state.

28. (Amended) A broadcast receiving and storing apparatus which comprises:

a broadcast receiving component for receiving a broadcast program;

broadcast storing components for storing broadcast programs;

a managing component for managing states of said broadcast storing components; and

a network for connecting said broadcast receiving component, said broadcast storing components and said managing component;

wherein said managing component stores said states; and

said broadcasting receiving component selects one or more broadcast storing components from said broadcast storing components as broadcast storing components which store a program which said broadcasting receiving component receives on the basis of states obtained from said managing component through said network,

wherein the states include: a) normally operating and currently available state, b) normally operating and currently unavailable state, and c) abnormally operating state.

29. (Amended) A broadcast receiving and storing apparatus which comprises:

a broadcast receiving component for receiving a broadcast program;
broadcast storing components for storing broadcast programs; and
a network for connecting said broadcast receiving component, and said broadcast storing components;

wherein said broadcasting receiving component selects one or more broadcast storing components from said broadcast storing components as broadcast storing components which store a program which said broadcasting receiving component receives on the basis of states obtained from said broadcast storing components through said network,

wherein the states include: a) normally operating and currently available state, b) normally operating and currently unavailable state, and c) abnormally operating state.

35. (New) The broadcasting, storing and displaying apparatus as claimed in claim 1, wherein the communication partner is automatically selected by one of the video apparatuses based on information concerning currently available resources for each of the other apparatuses.

36. (New) The broadcasting, storing and displaying apparatus as claimed in claim 35, wherein the currently available resources of each of the other video apparatuses do not include resources that are currently assigned to any of the video apparatuses.

37. (New) The broadcasting, storing and displaying apparatus as claimed in claim 3, wherein the communication partner is automatically selected by one of the video apparatuses based on information concerning currently available resources for each of the other apparatuses.

38. (New) The broadcasting, storing and displaying apparatus as claimed in claim 37, wherein the currently available resources of each of the other video apparatuses do not include resources that are currently assigned to any of the video apparatuses.